



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3009133

**Applicant Name:** Chad Lorentz for Runberg Architects

**Address of Proposal:** 3044 31<sup>st</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four-unit townhouse structure in an environmentally critical area. Parking to be provided as follows: two surface and two within the structure. Existing duplex to be demolished. Environmental review includes future unit lot subdivision.

The following approvals are required:

**Administrative Design Review** - Chapter 23.41, (SMC) including departures from development standards: structure width & depth, open space, front & side setbacks, parking & access, and curbcut width.

**SEPA – Environmental Determination** pursuant to SMC 25.05.

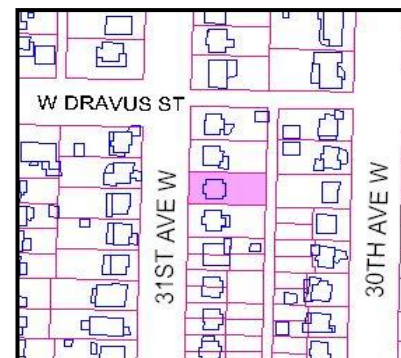
**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

The approximately 6,600 square foot development site is located mid-block between West Dravus and West Barrett on 31<sup>st</sup> Avenue West in the Magnolia neighborhood. It is zoned Lowrise One (L1) and is currently the site of duplex. The entire block is zoned L1 while the surrounding area is zoned Single Family 5000 (SF5000). The block is bisected a north-



south alley. The site slopes steeply from east to west, dropping approximately 27 feet from the alley to the street and is classified an Environmentally Critical area. The applicants applied for and received a Limited Steep Slope Exemption under building Permit #6178044 on April 21, 2008.

This block has recently seen considerable development along the alley with several townhouse developments at the alley leaving the existing mid-century duplexes intact on the street. The area is undergoing redevelopment with several projects under construction.

Because of the challenges posed by the slope of the site and the desire to propose an innovative model for townhouse development, the applicant has volunteered for the Administrative Design Review process to request departures from development standards for the L1 zone. Administrative Design Review is conducted by DPD staff and does not involve a Design Review Board.

### **PROPOSAL**

The applicant proposes to remove the existing duplex and construct four, two- and three-story townhomes with surface parking for two vehicles provided at the alley at grade and parking for two vehicles within the structure accessed from 31<sup>st</sup> Avenue West. The design proposes townhouses that are to be terraced from the alley to 31<sup>st</sup> Avenue West and facing a central courtyard with southern exposure. Vehicle and pedestrian access to the two front units would be from the garages directly into the units as well as stairs to front entries. Access to the rear units would be from entrances off the alley. All ground level open space is proposed to be located in a central courtyard which is accessed from each unit.

### **DESIGN PRESENTATION**

Three schemes were presented in the Early Design Guidance materials. Option #1 is the familiar scheme of two, 2-unit buildings with open space between them. Parking would be on the alley. Option #2 is also two, two-unit buildings but the front building shows the two units at right angles with each other. The proposal increases the open space area and opens the site. All parking is off the alley. Option #3 (the preferred option) shows a U-shaped building with generous open space in the center with southern exposure. Units are two and three story with varied rooflines. Two parking spaces are off the alley for the upper units and two are provided in garages accessed from 31<sup>st</sup> Ave W.

### **DEPARTURES**

The applicant is requesting the following Land Use Code departures: Structure Width and Depth SMC 23.45.011; Decks projecting into front setback SMC 23.45.014G; Side setback SMC 23.45.014C; Parking and access SMC 23.45.018; and Curb cut width SMC 23.54.030.

### **PUBLIC COMMENTS:**

DPD received two written comment letters and during the EDG comment period which ended June 4, 2008. Comments concerned the amount of redevelopment in the neighborhood and the lack of parking. The Master Use permit application was submitted on August 5, 2008 and the comment period commenced August 13, 2008 and ended August 26, 2008.

## **PRIORITIES:**

After visiting the site and analyzing the site in its context and the conceptual massing and parking scheme provided by the proponent, and reviewing public comment, the Director provides the following siting and design guidance and identifies by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority for this project. The Department's guidance appears after each guideline category and final recommendations follow in *italicized* text.

### **A. Site Planning**

#### **A-1 Responding to Site Characteristics.**

*The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

#### **A-3 Entrances Visible from the Street:**

*Entries should be clearly identifiable and visible from the street*

#### **A-5 Respect for Adjacent Sites**

*Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

#### **A-6 Transition Between Residence and Street**

*For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

#### **A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

#### **A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

The entrances should be designed to maximize usability, as spaces for interaction, reminiscent of "stoops". The proposed retaining wall should be a rockery in keeping with the adjacent properties.

The applicant should provide a detailed color landscape plan that shows the entrances and the ground level open space. A plant list should be provided and should include a tree planted in the courtyard open space.

The proposed 16 foot curb cut on 31st Ave. West appears wider than is necessary. The applicant should provide engineering designs demonstrating the minimum curb cut necessary to provide safe maneuvering and access to the garages.

*The proposal now features a rockery wall that provides continuity with adjacent properties. The garage entrance on 31<sup>st</sup> west has been recessed an additional five feet from the sidewalk. The applicant provided an engineering study performed by Davido Consulting Group, July 10, 2008, showing that the 16-foot curb cut is necessary for adequate maneuvering into the proposed garage. A survey of the neighborhood also showed that where there are 2-car garages, curb cuts are at least 16 feet wide and some are wider.*

**C. Architectural Elements and Material**

**C-2 Architectural Concept and Consistency**

- *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*
- *Buildings should exhibit form and features identifying the functions within the building.*

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The proponent should consider materials and finishes that convey a sense of permanence and design of the building entrances that afford maximum connection to the street.

*The applicant's have submitted a materials board that features fiber cement panels for the bulk of the building with stained cedar cladding for the bays. The roofs are proposed to be metal and windows are black aluminum. Grasscrete is proposed for driveways.*

**D. Pedestrian Environment**

**D-3 Retaining Walls**

*Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.*

**D-6 Screening of Dumpsters, Utilities and Service Areas**

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.*

Any garage doors facing 31<sup>st</sup> Ave West should be set back an additional five feet. This will allow the proposed trash and recycling storage entrance to be less visible from the street. The proposed concrete retaining wall should be rockery system in order to provide continuity with rockeries on adjacent properties.

*The proposed garage accessed from 31<sup>st</sup> West is set back an additional five feet as recommended. The door to the trash and recycling storage area is rotated 90 degrees so it does not face the street. The redesigned rockery system provides continuity with adjacent properties.*

**E.     Landscaping**

**E-1    Landscaping to Reinforce Design Continuity with Adjacent Sites**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

The design should include the use of street trees with large canopies to help to soften the exposed effect of the elevated site and to provide a sense of privacy for owners. The applicant should consider adding trees to the landscaping in the proposed open space courtyard.

*The applicants have consulted with the SDOT forester and received recommendations for street trees. The updated landscape plan shows several new trees on site in addition to more trees and landscaping for the common and private open space areas in the central courtyard.*

## **DEPARTURES**

The applicant is requesting the following Land Use Code departures:

***Requested Departures Table***

Standard	Request	Justification	Recommendation
SMC 23.45.011 Structure Width and Depth.	To exceed structure depth requirement of 60% to 85.7%. (72' to 102.8')	Departure is required to maintain proposed "C" shaped design creating usable, integrated open space. A-7	DPD agrees that this is integral to the design and approves this departure.
SMC 23.45.014G Structures allowed to project into front setback.	To allow deck greater than 18' in height to project into front setback.	The front façade of the units meets the setback requirement. The deck projects 10' into the front setback allowing space for interaction with neighbors. A-1; A-3; A-6	DPD approves this departure.
SMC 23.45.014 Side setback.	To reduce side setback from 12' (based on structure depth) to 5.1'.	Typical setbacks in this neighborhood are 5'. C-1; E-3	DPD approves this departure.
SMC 23.45.018 Parking and Access.	To allow access to parking from both street and alley.	Due to the topography of the site it most feasible to provide two spaces at the alley at grade and two in a garage from the street in an area where all parking for dwelling units on the same street have only on-street parking.	DPD agrees that this is good solution to providing off-street parking on a steep slope site.
SMC 23.54.030 Parking Space Standards – Curb Cuts.	To allow a 16' curb cut (6' over the 10' allowed).	This would allow cars straight-in access to the two separate garages.	The applicant proved an engineering study that demonstrates that the 16' curb cut is necessary. A survey of the neighborhood also found 16'-20' curb cuts where there are 2-car garages. Therefore, DPD approves this departure.

## **Recommendation:**

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the planner feels that all of the guidance the architect received has been successfully addressed. After much scrutiny of the site, the neighborhood context, proposed architectural massing and facades, open space, and materials the Department supports the departures and recommends **approval** of the design. The issued building permit shall be revised to reflect changes in site design.

## **DIRECTOR'S DECISION: DESIGN REVIEW**

The Director of DPD has reviewed the design and finds that it is consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings*. The recommendations summarized above were based on the application submitted to DPD on August 5, 2008. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to be reflected in all future plans submitted to DPD.

After considering the site and context, public comments, the response to the design guideline priorities and reviewing the plans, the Director approves the subject design, as well as the requested departures with conditions listed below.

## **ANALYSIS - SEPA**

The proposal site is located in an environmentally critical area (Steep Slope), thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 29, 2008 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

### Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. A Geotechnical Report prepared by TubbsGeosciences of Redmond, WA, and dated November 16, 2007 was submitted with this application and is undergoing separate geotechnical review by DPD in conjunction with the construction plans (#6178044) which were submitted August 29, 2008 including shoring of excavations as needed and erosion control techniques. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- ☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- ☐ [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

## **CONDITIONS – SEPA**

### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

## **CONDITIONS – Design Review**

### **Prior to Issuance of the Revised Building Permit**

1. Include the color drawings of elevations and revised landscaping plan from MUP plans as part of the revised building permit sets (1 and 2) of record.

### **Prior to Certificate of Occupancy**

2. Compliance with the approved design features and elements, including exterior materials, finishing details, roof amenities, colors, landscaping and R.O.W. improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner (Marti Stave 206 684-0239) must be made at least three working days in advance of the inspection.

### **During Construction**

3. All changes to the exterior facades of the building and landscaping on site and in the R.O.W. must be submitted as a revision to the building permit and reviewed by a Land Use Planner prior to proceeding with any proposed changes.

### **For the Life of the Project**

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Marti Stave 206-684-0239). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

5. Compliance with all images and text on the MUP drawings, design review guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Marti Stave 206-684-0239), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
6. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.
7. Add the departure matrix shown on page 5 of this document to the coversheets of the MUP and Building Permit Plans to be microfilmed.

Signature: \_\_\_\_\_ (signature on file)  
Marti Stave, Land Use Planner  
Department of Planning and Development

Date: March 30, 2009